

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

ANTHONY ROMANO,

Plaintiff,

v.

13-CV-633 (JLS) (MJR)

KEVIN ULRICH, et al.,

Defendants.



**DECISION AND ORDER**

Plaintiff Anthony Romano commenced this action on June 17, 2013. Dkt. 1.<sup>1</sup>

On November 18, 2016, Defendants moved for summary judgment. Dkt. 56. Judge Wolford issued a Decision and Order granting the motion on August 28, 2017. Dkt. 71. The Second Circuit vacated that judgment and remanded the case for further proceedings on August 22, 2019. Dkt. 76.

On March 29, 2021, Judge Roemer issued a Report and Recommendation (“R&R”), recommending that this Court grant Defendants’ motion for summary judgment. Dkt. 106. Plaintiff filed objections to the R&R on April 5, 2021. Dkt. 107. Defendants did not respond, and the time to do so has now passed. *See* Fed. R. Civ. P. 72(b)(2).

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<sup>1</sup> The Honorable Elizabeth A. Wolford was previously assigned to this case. On January 3, 2020, this case was reassigned to the undersigned. Dkt. 82. On January 16, 2020, this case was referred to Magistrate Judge Roemer under 28 U.S.C. § 636(b)(1)(B) and (C). Dkt. 104.

A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A district court must conduct a *de novo* review of those portions of a magistrate judge's recommendation to which objection is made. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

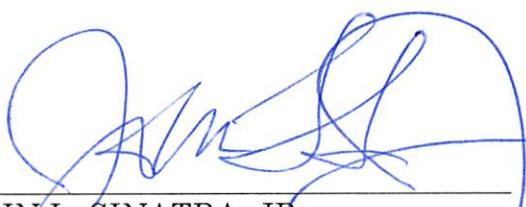
This Court has carefully reviewed the thorough R&R, the record in this case, the objection, and the relevant materials submitted by the parties. Based on that *de novo* review, the Court accepts and adopts Judge Roemer's recommendation to grant Defendants' motion for summary judgment. The law of the case doctrine does not compel a contrary result. *See, e.g., Ezra v. Bristol-Myers Squibb Co.*, 784 F. App'x 48, 49-50 (2d Cir. 2019) (summary order).

### CONCLUSION

For the reasons stated above and in the Report and Recommendation, Defendants' motion for summary judgment (Dkt. 56) is granted. The Clerk of Court shall close this case.

SO ORDERED.

Dated: April 30, 2021  
Buffalo, New York



JOHN L. SINATRA, JR.  
UNITED STATES DISTRICT JUDGE